

TAB 4

Review of Penalties Assessed

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To: APOC Commissioners

From: Paul Dauphinais

RE: Penalties Assessed 2012 – 2013

On the attached sheet you will see the number and type of penalties assessed by APOC for the calendar years 2012 and 2013. The types are broken out by the number for a given year, the amount assessed for that type, how much of the assessed fine total was paid, the amount unpaid, and the amount referred to the attorney general's office. The amount unpaid and the amount referred to the attorney general's office may not always match because of payment plans or the timing of a given penalty.

The process regarding penalties follows the general following outline. A report is late or incomplete and a CPA is assessed by staff and after reviewing mitigation criteria a recommendation is made to the commission. The party is informed of the assessment and provided the opportunity to appeal. The commission makes a decision regarding the recommended penalty. Staff notifies the affected party and informs them of the opportunity to appeal the commission's decision. If an appeal is received it is reviewed by staff and incorporated into the recommendation to the commission. After the commission makes a determination regarding the assessment the party is notified of that decision and the opportunity to appeal that decision to superior court. If no payment is received or no appeal is made within 30 days the staff then refers the party to the attorney general.

Several points stand out:

- 1) Lobbying civil penalty assessments (CPA) have been fully paid. The number has also decreased and the decrease is apparent for more than the two years of this examination;
- 2) For Group CPAs several were awaiting commission action in February. As a result they have not been paid since the 30 days from the February orders have not yet run, or they are still awaiting a hearing;
- 3) Candidate CPAs have been relatively constant in terms of both number, assessed amount, and amount referred. In 2012 five fines were referred one valued at \$3,950, two valued at \$500 each, and one with a value of \$100. In 2013 four were referred valued at \$5,450, \$250, \$150, and \$30 respectively;
- 4) POFD CPAs have dropped slightly in number and substantially in value. For a 2012 assessment \$740 is still being paid on a payment plan. In the same year 16 were referred with six of those being valued at less than \$250 those six totaled \$651; the other ten referred were all valued at over \$250 and totaled \$4,590, of which \$1701 has been paid. In 2013 six assessments were referred to the attorney general five of those were over \$250 each totaling \$3051, the remaining referral is valued at \$60;
- 5) Complaint penalties have remained relatively constant. Of the \$3,037 unpaid in 2012 \$2,737 is on a payment plan. The uncollected penalties from 2013 are not yet ready to refer to the attorney general.

| Type pf CPA | LOBBYING | Year | | Notes |
|-------------|------------------|----------|----------|---|
| | | 2012 | 2013 | |
| | How Many | 106 | 85 | |
| | Assessed | \$4,380 | \$1,380 | |
| | Paid | \$4,380 | \$1,380 | |
| | Unpaid | 0 | 0 | |
| | Referred | | | |
| | GROUP | | | |
| | How Many | 32 | 69 | |
| | Assessed | \$6,988 | \$10,077 | 2013 Several awaiting Commission action |
| | Paid | \$3,889 | \$8,862 | None referred |
| | Unpaid | \$3,000 | \$1,915 | |
| | Referred | | | |
| | CANDIDATE | | | |
| | How Many | 22 | 24 | |
| | Assessed | \$13,359 | \$11,012 | 2012-5 referred \$3,950; \$500; \$500; \$100 |
| | Paid | \$8,839 | \$5,132 | 2013-4 referred \$30; \$150; \$250; \$5450 |
| | Unpaid | \$5,050 | \$5,880 | |
| | Referred | \$5,050 | \$5,880 | |
| | POFD | | | |
| | How Many | 112 | 107 | |
| | Assessed | \$30,818 | \$18,514 | 2012-\$740 on payment plan |
| | Paid | \$24,172 | \$14,677 | 2012- 16 referred 6 under \$250 totalling \$651 |
| | Unpaid | \$6,646 | \$3,111 | 10 over \$250 = \$4590; \$1701 since paid |
| | Referred | \$6,942 | \$3,111 | 2013-6 referred 1 under 250, 5 over = 3,051 |
| | COMPLAINT | | | |
| | How Many | | | |
| | Assessed | \$28,046 | \$25,580 | 2012-12-09-CD \$300; 11-15-CD \$2737 payment plan |
| | Paid | \$24,009 | \$14,082 | 2013-\$6000 payment plan |
| | Unpaid | \$3,037 | \$11,498 | 13-06-CD-\$2370; \$1331 & \$1479-Feb reconsid |
| | Referred | 0 | not ripe | |